IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 5TH OCTOBER 2006 / 13TH ASWINA 1928

Bail Appl..No. 5938 of 2006()

CRIME NO.74/2000 OF PAYYAVOOR POLICE STATION
CC.187/2006 of J.M.F.C.,THALIPARAMBA

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PETITIONER/ACCUSED

V.SAMEER, S/O.ABOOBACKER,
ZEENATH MANZIL, UMMANCHIRA P.O.,
THOTTUMMAL VIA., THALASSERY.

BY ADV. SRI.T.M.ABDUL LATHEEF
SRI.V.R.NASAR

RESPONDENTS: COMPLAINANT AND STATE

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1. SUB INSPECTOR OF POLICE,
PAYYAVOOR.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 5938 of 2006

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Dated this the 5th day of October, 2006

O R D E R

The petitioner is before this Court, as he apprehends arrest in C.C.No.187/2006 of Judicial Magistrate of the First Class, Thaliparamba, (Crime No.74/2000 of Payyavoor Police Station), as that court had issued non-bailable warrant against the petitioner. The counsel submits that the petitioner is a driver and he was often proceeding with the vehicle outside the State. He did not receive the summons nor was he aware of the pendency of the crime. He came to know about the pendency of the case only when the non-bailable warrant was issued.

2. I heard both sides. The prosecution submits that the other accused who faced the trial were acquitted of the offence alleged against them.

3. Considering the submissions made by either side, I direct the petitioner to surrender before the court below, on 12/10/2006, at 11 a.m., and move an application for bail.

4. The learned Magistrate shall consider the

application for bail, of the petitioner, and allow him to be on bail, imposing such conditions, which are deemed necessary.

(J.M.JAMES)
Judge

ms